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Supreme Court of the United States

OCTOBER TERM, 1934.

No. 383.

G. D. SWINSON,

Plaintiff in Error,

vs.

CHICAGO, ST. PAUL, MINNEAPOLIS AND OMAHA RAILWAY COMPANY,

Defendant in Error.

MOTION TO ADVANCE CAUSE FOR HEARING; AFFIDAVIT OF ERNEST A. MICHEL IN SUPPORT THEREOF AND NOTICE OF MOTION.

TOM DAVIS,
ERNEST A. MICHEL,
Attorneys for Plaintiff in Error,
419 Metropolitan Bank Building,
Minneapolis, Minnesota.

Hayward Brief Co., 601-7 Fourth Ave. So., Minneapolis

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Defendant in Error.

Now comes the above named plaintiff in error and respectfully moves the Court to advance this cause for hearing to as early a date as to the Court may seem advisable; said motion is based on the ground that the cause is not of a character to require extended argument and on the affidavit of Ernest A. Michel, one of the counsel for plaintiff in error which is hereto attached and made a part thereof.

TOM DAVIS,
ERNEST A. MICHEL,
Attorneys for Plaintiff in Error,
419 Metropolitan Bank Building,
Minneapolis, Minnesota.

Supreme Court of the United States

OCTOBER TERM, 1934.

G. D. SWINSON,

Plaintiff in Error,

vs.

CHICAGO, ST. PAUL, MINNEAPOLIS AND OMAHA RAILWAY COMPANY,

Defendant in Error.

STATE OF MINNESOTA,

ss.

County of Hennepin.

ERNEST A. MICHEL, being first duly sworn, deposes and says that he is one of the counsel for the above named plaintiff in error, G. D. Swinson; that said Swinson while an employee of defendant in error was injured on the 17th day of September, 1932; that his right foot has been amputated as a result of the injuries sustained by him.

Affiant further states that he personally knows the financial condition of said G. D. Swinson and that other than aid received through the United States Veterans Bureau and friends he has no means of making a livelihood or caring for himself.

Affiant further states that the next term of the United States District Court for the Fourth Division convenes on the first Tuesday in March; that this case was tried in said Court and that if the judgment appealed from be reversed it is the desire of plaintiff in error and his counsel that said

cause be tried at said March term; that if such reversal of the judgment be had appropriate proceedings must further be had by the Circuit Court of Appeals to the end that said cause be sent back to the District Court for trial.

Affiant further says that the question for determination herein, although of great importance, is simple and may be adequately presented in less time than usually allotted for oral arguments in this Court.

ERNEST A. MICHEL.

Subscribed and sworn to before me this 29th day of October, 1934.

SIDNEY S. FEINBERG,
Notary Public,
Hennepin County, Minn.

My Commission Expires Nov. 23, 1938.

SUPREME COURT OF THE UNITED STATES.

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Defendant in Error.

NOTICE OF MOTION.

The defendant in error is hereby notified that plaintiff in error will, on the 5th day of November, 1934, on the convening of the Supreme Court of the United States on that date, or as soon thereafter as counsel may be heard, submit for the consideration of the Court the foregoing and annexed motion and the affidavit in support thereof.

TOM DAVIS,
ERNEST A. MICHEL,
Attorneys for Plaintiff in Error,
419 Metropolitan Bank Building,
Minneapolis, Minnesota.